

Delegated or Committee Planning Application Report and Report of Handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle

Reference No:	16/00972/PP
Planning Hierarchy:	Local Application
Applicant:	The Co-operative Group
Proposal:	Partial demolition of existing building, erection of extension and Change of Use from Class 7 (Hotel) to Class 1 (Shop)
Site Address:	Muirholm Hotel, Main Road, Cardross

SUPPLEMENTARY REPORT No 1

A) INTRODUCTION

This report advises Members of additional discussions with the applicant regarding the proposal to attach a condition, Condition 11, regarding a landscape plan.

B) BACKGROUND

In the main report of handling being considered by Members, the application has been assessed against development plan policy and other material considerations. The recommendation is to approve subject to a series of conditions including Condition 11 which states that:

A landscape plan which must include the area at the end of Barrs Road leading onto Main Road, Cardross shall be submitted and approved by the Planning Authority before works commence on site. The plan is to include the widening and resurfacing of the existing foot path, the removal of the metal railing between the Muirholm carpark and Barrs Road and Barrs Road and Main Road to be replaced with appropriate landscape designs to make a public realm area. Such details as may be approved shall be implemented and retained.

Reason: In the interests of amenity.

C) APPLICANT'S ADDITIONAL COMMENTS

The applicant's agent was contacted regarding the potential for a landscaping condition.

The agent responded as follows.

Whilst we welcome the support that is being offered for the application and trust that the application will be recommended for approval, we are concerned about what is being suggested for the following reasons:

- the Co-op proposal does not establish a need for the 'landscaping' works being suggested,
- the area in question is outwith the Co-op application site,
- the work being proposed may, in itself, require planning permission and/or approval under the Roads Acts
- moving the loading bay space to the far side of Barrs Road means it will be more remote from the proposed Co-op, and putting it there would introduce a need to navigate the landscaped area with delivery cages etc. Not only would this be less convenient for the Co-op, but it also create potential conflicts between deliveries and the use of the 'landscaped' area. This would not be acceptable in terms of the Co-op's health & safety obligations

As before, the Co-op remain committed to making a further significant investment in Argyll & Bute, by way of opening a new store at Cardross, and with that in mind, we would not be inclined to agree to what is being suggested, but if you were to provide some further information relative to our comments above we will afford the matter further consideration.

Further discussions were subsequently held and the agent has advised as follows.

With regards to the terms of suggested condition no.11 we have attached a draft landscaping scheme which hopefully would achieve what you are looking for whilst avoiding the need to alter/divert rainwater gullies etc. at the bottom of Barrs Road and avoid narrowing the road, as this would make servicing difficult and more likely to create conflict with other road users.

The scheme shows that the end of Barrs Road will be retracted by 3m from the existing line to create a clearer division from the main street. The area will be surfaced to match existing, 4no. small trees planted to create a visual barrier, the manhole lifted to proposed surface and 1no. gully relocated.

D) ASSESSMENT

Circular 10/2009 provides that it is important that any conditions imposed on a planning permission should reflect the current guidance on the use of conditions (SODD Circular 4/1998).

Circular 4/1998 The Use of Conditions states that a condition must meet 6 tests. A condition must be:

- **necessary**
- **relevant to planning**
- **relevant to the development to be permitted**
- **enforceable**
- **precise**
- **reasonable in all other respects.**

Under application 16/00972/PP it is proposed to demolish part of the existing building at the front and use this area for loading and unloading. In addition, three trees will be removed, in part, to facilitate improved access. Barrs Road on the east of the application site is already blocked up and contributes little to the immediate streetscene or the wider area in terms of amenity. It was considered that, under

Condition 11, a landscape plan, could provide some trees in planters, bollards to control access and potentially some seating. This would, among other things, soften the impact of the loading area at the front of the building facing onto the main road, provide additional footway on Barrs Road, create some public realm and, in turn, add interest to the streetscene and the wider area in the interests of amenity. On this basis the condition is considered to be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.

Given the above it is not considered that the applicant's submission regarding a proposed scheme is sufficiently robust in providing a sustainable public realm that would improve the streetscene and the wider amenity. As such, the applicant's scheme could not be supported and a landscape plan will still have to be agreed prior to works commencing on site. The only issue becomes the mechanism for providing the elements of the landscape plan that will be agreed. The area in question is outwith the application site but within control of the Council. A Roads Construction Consent would be required. Depending on the landscaping proposed it may require planning permission but could potentially be dealt with as di minimus.

Therefore, Members have a range of options. They can accept the applicant's scheme, remove condition 11, retain it in its current form or amend it. In the case of retaining or amending the condition, the applicant would have the right of appeal. For the reasons stated above it is recommended that Condition 11 should stand and that details be agreed prior to work commencing on site.

E) RECOMMENDATION

It is recommended that Members note the additional submission on behalf of the applicant. The submissions do not alter the previous recommendation to approve the application subject to conditions including Condition 11.

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Date: 15th August 2016

Angus Gilmour
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